

ASSEMBLY BILL

No. 1385

Introduced by Assembly Member Bradford

February 18, 2011

An act to amend Section 9601 of the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

AB 1385, as introduced, Bradford. Electricity.

Existing law relating to electrical restructuring, except as specified, prohibits a person, corporation, electrical corporation, or local publicly owned electric utility or other governmental entity other than a retail customer's existing electric service provider as of December 20, 1995, from providing partial or full electric service to a retail customer of a local publicly owned electric utility unless the customer first confirms in writing an obligation to pay, through tariff or otherwise, to the utility currently providing electric service, a nonbypassable generation-related severance fee or transition charge established by the regulatory body for that utility. Existing law, except as specified, also prohibits a local publicly owned electric utility or other governmental entity from providing partial or full electric service to a retail customer of an electrical corporation, unless the customer of that electrical corporation first confirms in writing an obligation to pay, through tariff or otherwise, to the electrical corporation currently providing electric service, a nonbypassable generation-related transition charge established by the regulatory body for that electrical corporation. Existing law further prohibits a local publicly owned electric utility or an electrical corporation from selling electric power to the retail customers of another local publicly owned electric utility or electrical corporation unless the

first utility has agreed to let the 2nd utility make sales of electric power to the retail customers of the first utility.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9601 of the Public Utilities Code is
2 amended to read:

3 9601. (a) Except with respect to supply options of the nature
4 specified in Section 218, with the exception of paragraph (3) of
5 subdivision (b) of that section, as it existed on December 20, 1995,
6 ~~no~~ a person, corporation, electrical corporation, or local publicly
7 owned electric utility or other governmental entity other than a
8 retail customer's existing electric service provider as of December
9 20, 1995, shall *not* provide partial or full electric service to a retail
10 customer of a local publicly owned electric utility, unless the
11 customer first confirms in writing an obligation to pay, through
12 tariff or otherwise, to the utility currently providing electric service,
13 a nonbypassable generation-related severance fee or transition
14 charge established by the regulatory body for that utility. The
15 severance fee or transition charge shall be paid directly to the local
16 publicly owned utility providing electricity service in the service
17 area in which the consumer is located.

18 (b) Except as provided in subdivision (a) of Section 374, ~~no~~ a
19 local publicly owned electric utility or other governmental entity
20 shall *not* provide partial or full electric service to a retail customer
21 of an electrical corporation, unless the customer of that electrical
22 corporation first confirms in writing an obligation to pay, through
23 tariff or otherwise, to the electrical corporation currently providing
24 electric service, a nonbypassable generation-related transition
25 charge established by the regulatory body for that electrical
26 corporation. The charge shall be paid directly to the electrical
27 corporation providing electricity in the service area in which the
28 consumer is located.

29 (c) ~~No~~ A local publicly owned electric utility or electrical
30 corporation shall *not* sell electric power to the retail customers of
31 another local publicly owned electric utility or electrical

1 corporation, unless the first utility has agreed to allow the second
2 utility to make sales of electric power to the retail customers of
3 the first utility.

4 (d) This section does not apply to an exchange of customers
5 affected by a local publicly owned electric utility completing a
6 mutually agreeable condemnation process to resolve a fringe area
7 agreement in which there exists a balance of benefits between the
8 customers of the local publicly owned electric utility and the
9 electrical corporation.

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